

## **5A - ALTERNATIVE EDUCATION PROGRAM**

Alternative Education is a K-12 program that varies in its delivery from the traditional kindergarten through twelfth grade setting. An alternative classroom may vary from a small group of pupils from several grade levels receiving instruction for several subject areas from one certificated teacher in a non-graded classroom setting to a program lab in which the certificated teacher is present and the pupil works at his or her own pace on assigned subject matter. These pupils may attend on a part-time basis for several hours per day for specified subjects or a pupil may attend a one-on-one teacher/pupil session several times a week. The classes must be of subjects that are acceptable for a pupil to earn credit toward a high school diploma or grade level progression.

There are any number of reasons a pupil may be enrolled in an alternative education program such as: a pupil who was expelled from school under the mandatory expulsion provisions in sections 1311, and 1311a of the Revised School Code, a pupil who was expelled from school under local district policy, a pupil who was referred by the court system, a pupil who is pregnant or is a parent, or a pupil who was previously a dropout pupil or at risk of dropping out. In addition, an alternative education program may be designed and provided for pupils who simply are more academically successful in a non-traditional setting.

The measurement of the FTE count for an alternative education pupil for membership purposes remains the same as those requirements for any other K-12 pupil with few exceptions; thus, the alternative education pupil FTE count is based upon the pupil's age, enrollment, class-by-class attendance, and residency. (See sections 1-4.)

### **A. Days and Clock Hours of Pupil Instruction**

Alternative education programs are required to meet the minimum requirement of ~~180 day and~~ 1,098 hours of pupil instruction. A waiver to operate for ~~fewer days and/or fewer hours for a given year~~ may be granted to a department approved alternative education program by the Superintendent of Public Instruction upon application by the school district. The district must meet the terms of the waiver to avoid a state school aid penalty.

### **B. Pupil Eligibility**

A pupil may be enrolled in an alternative education program under a court order, through a cooperative agreement among two or more school districts, or by personal choice. The alternative education pupil must meet the age and residency requirements for K-12 pupils. Nonresident pupils must have the approval from the resident district, **except** the resident district's approval is not required for a pupil:

U Who is enrolled under a court order.

- U Who has been suspended or expelled from the resident district for any reason.
- U Who is pregnant or is a parent.
- U Who has been a dropout.
- U Who is enrolled under a cooperative agreement with the resident district.
- U Who is enrolled under schools of choice (section 105 or 105c).

Determination of which district counts the pupil for membership purposes and how to calculate the FTE count for the alternative education pupil are reviewed below.

**NOTE:** Pupils less than sixteen years of age on September 1 of the current year may not be counted for membership purposes if there are adult education participants in the same class or program.

1. **Pupil Expelled Under the Revised School Code 380.1311-380.1311a** - A pupil who has been expelled under the mandatory expulsion laws, sections 1311 or 1311a of the Revised School Code, **must be** physically separated from the general population of the school district at all times during the school day. (See suspension and expulsion for additional information.)
  - a. A pupil in grade 5 or below who has been expelled under the mandatory expulsion laws for the possession of or for threatening another person with a dangerous weapon shall not be reinstated prior to 90 days following the date of expulsion.
  - b. A pupil in grade 6 or above who has been expelled under the mandatory expulsion laws for the possession of or for threatening another person with a dangerous weapon, arson, criminal sexual assault, or physical assault against a school employee or volunteer shall not be reinstated prior to 180 days following the expulsion date.
  - c. A pupil in grade 5 or below who was expelled for reasons other than a firearm or threatening another person with a dangerous weapon may apply for reinstatement at any time.
  - d. A pupil in grade 6 or above may apply for reinstatement after 150 days following the expulsion listed in “b” above.

**NOTE:** It is a requirement of the Individual with Disabilities Education Act (IDEA) that a district that expels a special education pupil is responsible for providing that pupil with a free and appropriate public education (FAPE). The parent or legal

guardian of a general education pupil who has been expelled is responsible to find an educational program for that pupil. (See CFR 300.121(d))

A district may choose to continue the mandatory expelled pupil's education through one of the following means:

- e. The expelling district may provide the pupil instruction with a certificated teacher at a site off campus such as at the pupil's home or the public library. Or, the district may provide the pupil instruction with a certificated teacher at a site on campus that no other pupil from the general population will come into contact with the expelled pupil during the regular school day such as in the school counselor's office after school. The district must provide the **special education pupil** a minimum of two non-consecutive instructional hours per week under the supervision of a certificated teacher. The district must provide the **general education pupil** a minimum of two 45-minute instructional sessions per week under the supervision of a certificated teacher. (See section 5C Home-based.)

**Note:** The FTE for **the pupil who was expelled under the mandatory expulsion law** and has been provided pupil instruction, as described in e above, may be counted for 1.0 full FTE.

- f. The expelling district may enroll a pupil in an alternative education program through a cooperative agreement with an intermediate school district or with another local school district. The expelling district counts the pupil for membership purposes. The FTE for such a pupil is prorated based upon the actual annualized hours the pupil is enrolled and in attendance on the count date as bears to the minimum required hours for a full-time pupil.
- 2. **Cooperative Agreements** - Two or more districts may have an annual cooperative agreement for operating an alternative education program. This agreement must specify the number of pupils that will be enrolled from each participating district and should address the cost to each district. The educating district counts the pupil in membership unless the cooperative agreement specifies that each resident district is to count the resident pupils. However, a cooperative education program that is operated by the intermediate district and is serving general education pupils from several constituent districts must have those pupils counted in membership by the resident district for membership purposes. The intermediate school district is ineligible to count general education pupils.
  - 3. **Learning Labs** - An alternative education program that operates as a learning lab must offer the minimum ~~180-day~~ and 1,098 hours as is required of all K-12 programs.

The eligibility requirements for counting alternative education pupils in a learning center lab are:

- a. The pupil must be enrolled in and attending courses that are earning credit toward a high school diploma or a GED certificate.
- b. The pupil must be scheduled for a specified number of lab hours per week.
- c. A certificated teacher must be present at all times.
- d. Attendance must be taken and documentation must be provided to ensure that the pupil is in fact attending the number of hours scheduled.
- e. The pupil may not generate more FTE per course than would be generated by a pupil in a traditional classroom setting.

Due to the disposition of learning labs, the count period covers a week beginning on the Wednesday count day and continuing through Tuesday following the count day. A pupil must attend the minimum number of hours scheduled. A weekly sign in and sign out sheet is necessary to document the actual number of hours per week that the pupil attended.

**Example 1:** The district has a learning lab as part of the alternative education program. The pupil is enrolled for English Composition II from 10:00 until 11:00 and for World History from 11:00 until 12:00 on Mondays, Wednesdays and Fridays. This pupil is also enrolled in Excel Spreadsheets from 10:00 until 12:00 on Tuesdays and Thursdays. That is two hours per day or ten hours per week for an annualized 360 hours ( $2 \times 180 = 360$ ). This pupil must attend the alternative learning center lab a minimum of ten hours during the count week. The FTE count for this pupil is .33 FTE ( $360 \text{ hours enrolled and attending} / 1,098 \text{ hours required}$ ).

A pupil who is absent and does not fully meet the scheduled number of hours during the count week must return for a full schedule during a given week following the 10/30 day rule. The 10/30 days begin on the Wednesday following the count week.

**Example 2:** If this pupil does not attend the ten hours during the count week, the 10/30 day rule must be applied. If during the 10/30 days the maximum number of hours this pupil attends the learning lab is eight hours during any one week, then this pupil's FTE count becomes .26 FTE.

$((8 \text{ hours} \times 60 \text{ minutes}) / 5 \text{ days}) = 96 \text{ minutes per day.}$

$((96 \text{ minutes per day} \times 180 \text{ days}) / 60 \text{ minutes per hour}) = 288 \text{ hours per year}$

(288 hours / 1,098 hours required) = .26 FTE

### **C. Regulatory References**

State Aid Act:  
388.1606(4)(u-v)  
388.1606(6)(i)  
388.1701(10)

Revised School Code:  
380.1311 - 380.1311a

IDEA  
300.121(d)

#### **Q #1**

The student is 17 years of age, is enrolled and attending the Career and Technical Center for vocational education classes in the afternoon and attends GED Prep classes through the district's adult education program in the evening. The district wants to claim this student as alternative education pupil. Is that allowed?

#### **A #1**

Some districts choose to operate the alternative education program through adult education. An alternative education pupil being educated in the same classroom or program with adult education participants must be 16 years of age or older on or before September 1 of the current fiscal year in order to be counted for pupil membership purposes. All alternative education program classes for K-12 pupils must be recognizable as high school courses such as English, history, science, math, etc.; and, the course must be earning credit toward a high school diploma. GED prep is not a high school course and does not earn credit towards a high school diploma. Therefore, the time that this pupil spends in the GED Prep class may not be counted for FTE. (An adult education participants must be 20 years of age or older unless they already hold a GED certificate or a high school diploma. Thus, this pupil cannot be counted as an adult education participant either.) Also, if the time at the Career and Technical Center for vocational education courses is recognizable as K-12 instruction, then that instructional time may be counted for a partial FTE

#### **Q #2**

Do the alternative education teachers have to be under contract in order to count teacher professional development hours?

#### **A #2**

The teachers in the alternative education program must meet the same requirements that any other teacher of the district must meet in order to apply any of the teacher professional development hours to the minimum required pupil instructional hours. These must be

certificated teachers, the professional development time must meet the requirements of professional development, and it must be at a time when the pupils are not scheduled for pupil instruction. (See section 2 D of this manual)

Q #3

The district wants to operate an area wide alternative education program for seventh and eighth grade pupils who have been expelled under MCL 380.1311-380.1311a or under local board of education policy. This would be under a cooperative agreement with the local area districts and enrollment would be limited to pupils who reside within the intermediate district. The alternative education program would operate 180 days for 1,098 hours. Section 6(4)(u) permits a district to offer this type of student a minimum of two (2) one-hour sessions per week and count the student for a full FTE. May we count each student for 1.0 FTE?

A #3

No. Section 6(4)(u), of the State School Aid Act, addresses the placement of pupils in an individualized instructional environment for disciplinary reasons. These may or may not be expelled pupils. Section 6(4)(u) specifies the minimum number of pupil instructional hours that must be offered a pupil in an individualized program. Section 6(4)(u) does not pertain to programs with more than one pupil.

A district may operate an alternative education program under a cooperative agreement with several school districts under section 25 of the State School aid Act. However, as defined in section 6(4)(v), the expelling district would be required to count those pupils for membership purposes and reimburse the educating district according to the cooperative agreement. This type of program would be required to offer 1,098 hours of pupil instruction.

Q #4

May the alternative education program be exempt from the 75% attendance rule?

A #4

The alternative education program is part of the K-12 system; therefore, attendance must be taken and the pupils in this program are a part of the 75% attendance requirement.

Q #5

Our district applied for and received a waiver, from the Department, to operate the alternative education program less than the minimum required days and hours of pupil instruction. However, some of the pupils are enrolled for fewer classes than are necessary to meet the waiver. How do we measure the FTE for those pupils?

A #5

The waiver granted specifies the minimum number of days and the minimum number of hours that the program must operate. The FTE for a pupil enrolled and attending this alternative education program would be based upon those hours agreed upon in the waiver in order to be a full FTE. For example, if the terms of the waiver were for 878 hours and a pupil in that program is enrolled and attends four 55-minute classes with five minute passing time between classes that would total 705 hours. That pupil's FTE would equal .8 FTE ( $705/878=.8$ ).